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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 January 1991]

1. At its forty-fifth session the Commission on Human Rights, without a vote, adopted resolution 1989/59 on conscientious objection to military service. This resolution, recognizing that "... conscientious objection... derives from principles and reasons of conscience, including profound convictions, arising from religious or similar motives", and is a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights, appeals to States to enact legislation and to take measures aimed at exemption from military service in such genuine cases. It recommends to those maintaining compulsory military service that, where not in existence, they introduce appropriate forms of alternative service for conscientious objectors that are in the public interest and are non-combatant or civilian in character.

2. In its preambular paragraphs, resolution 1989/59 refers to relations between the right to life, liberty and security of person and to freedom of thought, conscience and religion, and recalls its resolution 40 (XXXVII) of March 1981 stressing the need for better understanding of circumstances in which military service might be objected to on grounds of conscience. It notes, too, the importance of youth in promoting international peace, co-operation and human rights.

3. In this last connexion it may be observed that under present conditions there may be many reasons for partial as well as total objection - e.g. that violence cannot be justified in respect of special purposes or means used for armed combat, such as illegal occupation of foreign territory; practices approaching genocide or other gross violations of human rights; and use of weapons of mass destruction or of those which cause unnecessary suffering.

4. Just as today there are many practical reasons for conscientious objection, so there are today many grounds for profound conviction in these matters, whether religious, ethical, humanitarian, philosophical or similar. In this latter regard, the present position concerning grounds for conscientious objection still needs to be greatly clarified, even in States which already accept the principle. For historical reasons, and since in the past an absolute "yes/no" criterion was taken to afford straightforward evidence for making such distinctions, discrimination is still being widely practised in this matter between the rights of mainstream religious adherents and those of agnostics or other non-believers. The fact is that in this century reasons for conscientious objection, and also pacifism, have broadened and developed, so that they may now include either belief in specific religious doctrines or a more generalized life stance embracing both personal responsibility and ethical, humanitarian or similar profound convictions.

5. That this is not a trivial or pedantic but a fundamental question is shown by the fact that it has recently received specific attention from Mr. Angelo Vidal d'Almeida Ribeiro, the Commission's Special Rapporteur, in his report on the implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1990/46), submitted to the forty-sixth session.

6. After expressing concern about problems in certain States arising from the separate religious practices of foreign nationals, the report continues (para. 113):

7. "The Special Rapporteur would like to draw attention to another limitation in the existing international instruments with regard to freedom of thought, conscience, religion or belief. A broadly based school of legal thought maintains that the individual should be free not only to choose among different theistic creeds and to practise the one of his choice freely, but also to have the right to view life from a non-theistic perspective without facing disadvantages vis-à-vis believers. The Special Rapporteur thinks that, in the same way as believers must enjoy their right to practise their religion unhindered, non-believers (freethinkers, agnostics and atheists) should not be discriminated against. The rights of non-believers should be properly guaranteed in a new international instrument."

8. It is the purpose of the present document to point to this remaining "grey area" insofar as it affects the Commission's very comprehensive and timely resolution 1989/59, and to suggest that in the current world climate, in which all ethical and idealistic components of responsible public opinion play a major part in promoting human rights and duties, equal weight should be given to sincere moral or ethical convictions - be they religious, non-theistic or atheistic - in appraising the individual motivations of conscientious objectors. It is here proposed that the Commission, also recognizing the role of youth in this field, now consider according full and explicit recognition to this principle.